

Message Text

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TO USMISSION EC BRUSSELS

AMEMBASSY BRUSSELS

AMEMBASSY PARIS

AMEMBASSY BONN

AMEMBASSY ROME

AMEMBASSY LONDON

AMEMBASSY THE HAGUE

INFO USMISSION OECD PARIS

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E. O. 11652, N/A

TAGS: SENV, ECE

SUBJECT: ENVIRONMENT EC COMMISSION GUIDELINES FOR POLLUTER
PAYS PRINCIPLE (PPP)

REF: BRUSSELS 10099

OECD PARIS FOR KRAMISH

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1. WE WILL WISH TO STUDY THE EC COMMISSION MEMORANDUM QUITE

CAREFULLY IN THE LIGHT OF THE RECENT ACTIONS TAKEN BY THE OECE MINISTERIAL CONCERNING THE PPP. WHILE WE ARE RELUCTANT TO MAKE HASTY JUDGMENTS, WE SHARE SOME OF THE MISSION'S CONCERNS, GIVEN THE HIGH INITIAL PERCENTAGES REFERRED TO IN PARAGRAPH 4(A) OF REFTEL, AND THE ABSENCE OF SUGGESTION THAT THESE SUBSIDIES WOULD BE SELECTIVELY APPLIED OR ONLY WHEN COMPELLING CIRCUMSTANCES WARRANT. ALSO, THE DISCUSSION OF SU0SIDIES TO NEW PLANTS IN PARAGRAPH 4(B) SUGGESTS THAT TRADE EQUALIZATION MOTIVATIONS RATHER THAN ENVIRONMENTAL FACTORS WOULD BE THE PRINCIPAL CONSIDERATIONS DICTATING SUBSIDIES. WE UNDOUBTEDLY WILL WISH TO DISCUSS THESE MATTERS FURTHER WITH THE COMMUNITY AFTER THE RELEVANT PAPERS HAVE BEEN RECEIVED AND EVALUATED. WE ALSO ARE SOMEWHAT PUZZLED BY REPORTED DEVELOPMENT SINCE, FROM OUR PAST KNOWLEDGE, THE EC COMMISSION AND MEMBER STATES, IF ANYTHING, HAVE BEEN INCLINED TO FAVOR A MORE ORTHODOX POSITION IN SUPPORT OF THE PPP THAN THE OECD MEMBERSHIP AT LARGE, GIVEN THE COMMUNITY'S RECENTLY EXPRESSED RELUCTANCE TO SEE ANY

EXCEPTIONS TO THE PPP EXTENDED TO NEW PLANTS. WE CANNOT HELP BUT NOTE THAT THE NOVEMBER 7, 1974, COUNCIL ACTION ON THE PPP APPEARS TO BE A MORE RINGING ENDORSEMENT OF ADHERENCE TO THE PRINCIPLE THAN ONE MIGHT INFER FROM REFTEL.

2. MISSION SHOULD BE AWARE THAT THE EC MEMBER STATES ON THE OECD ENVIRONMENT COMMITTEE VERY ACTIVELY PARTICIPATED IN THE SHAPING OF THE OECD ACTION PROPOSAL ON THE PPP, AS DID THE REPRESENTATIVE OF THE EC COMMISSION WHO ATTENDED THE MEETINGS OF THE ENVIRONMENT COMMITTEE. FOR THIS REASON, WE FIND IT DIFFICULT TO ACCEPT PETTINI STATEMENT THAT OECD AND EC EFFORTS WERE NOT COORDINATED, PARTICULARLY SINCE SOME OF THE EC REPRESENTATIVES WERE MOST VIGOROUS IN SUPPORTING THE PPP. OECD ACTION PROPOSAL NOT ONLY REAFFIRMS THE PPP BUT ASSUMES THAT MEMBERS WILL INFORM OECD OF EXCEPTIONS AND THAT ANY MEMBER STATE SHALL HAVE RIGHT TO CALL FOR CONSULTATIONS, SHOULD IT SO DESIRE. FYI WE ARE INCLINED TO THINK THAT THE INVOCATION OF SUCH A CONSULTATION PROCEDURE MIGHT HAVE SOME MERIT WITHIN THE OECD. HOWEVER, WE SHALL WISH TO GIVE THIS QUESTION FURTHER CON-

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SIDERATION AND MAY WISH TO FIRST PURSUE THE MATTER BILATERALLY WITH THE EC ON THE OCCASION OF THE NEXT US-EC ENVIRONMENTAL CONSULTATIONS TENTATIVELY SCHEDULED FOR MAY. END FYI.

3. IN MEANTIME, EC BRUSSELS IS REQUESTED TO ADVISE AS TO THE PRECISE, LEGAL AND BINDING STATUS OF THE EC COMMISSION MEMORANDUM AND WHETHER THE EC COMMISSION IS NOTIFYING THE

OECD OF THIS DEVELOPMENT. DOES REFERENCE TO "MAJOR NEW OBLIGATIONS" AS REFERRED TO IN PARAGRAPH 4 MEAN THAT NO SUBSIDIES DERIVED FROM PRE-EXISTING CONDITIONS OR LAWS ARE CONTEMPLATED?

4. FOR PARIS, BONN, BRUSSELS, AND ROME:
ADDRESSEES ARE REQUESTED TO FORWARD TO THE DEPARTMENT (EUR/RPE - DENIS LAMB; OES/ENP/EN - HAROLD BENGELSDORF) ANY INFORMATION THEY HAVE CONCERNING THE PROSPECTIVE, FINANCIAL AID OR PENDING BILLS ALLUDED TO IN PARAGRAPH 5 OF REFTEL. WE ALSO WOULD WELCOME ANY GENERAL OBSERVATIONS ADDRESSEE POSTS, INCLUDING LONDON AND THE HAGUE, MIGHT HAVE CONCERNING CURRENT COMMUNITY ATTITUDES ON THIS SUBJECT. KISSINGER

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